

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-33 were pending in the application, of which Claims 1, 10, 18, and 26 are independent. In the Final Office Action dated August 24, 2005, Claims 1-33 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting, Claims 1-17 and 26-32 were rejected under 35 U.S.C. § 102(b), and Claims 18-25 and 33 were rejected under 35 U.S.C. §103(a). Following this response, Claims 1-4, 6-12, 14-28, and 30-33 remain in this application, Claims 5, 13, and 29 being canceled without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

Applicants thank Examiner Daniel for the courtesy of a telephone interview on November 15, 2005, requested by the undersigned to discuss the rejection of the current claims under 35 U.S.C. § 102 and § 103. During the interview, Applicants asserted that the U.S. Pat. No. 6,606,508 ("*Becker*") shows placing different numbers in different groups and then associated different ring tones with the different groups. (See FIG. 1 and FIG. 2.) Applicants asserted that this is directed to solving the problem of there being no distinction between numbers as regards to call reception. (See col. 1, lines 15-17.) In short, there is no teaching in *Becker* to include your own cell number in any of the groups at least because there is no reason to have a distinctive ring tone when your calling yourself. For example, you know you're calling yourself so no distinction is needed. In other words, there is no problem to solve if you're calling yourself. Consequently, Applicants asserted that *Becker* does not disclose that the wireless terminal and the calling party terminal are the same terminal when the identifier

associated with the calling party is identical to the identifier of the wireless terminal. Furthermore, Applicants argued that neither U.S. Patent No. 5,963,864 ("*O'Neil*") or *Becker* discloses a predetermined time period configured to cause a wired terminal and a wireless terminal to begin rigging within 3 seconds of each other. No agreement was made regarding patentability of the claims.

I. Rejection of the Claims Under the Doctrine of Double Patenting

In the Final Office Action dated August 24, 2005, the Examiner provisionally rejected Claims 1-33 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-22 of copending U.S. Patent Application No. 10/113,399. The Examiner has stated that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome this rejection. Applicants respectfully request that the Examiner hold this rejection in abeyance until allowable subject matter has been indicated.

II. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Final Office Action, the Examiner rejected Claims 1-17 and 26-32 under 35 U.S.C. § 102(b) as being anticipated by *O'Neil*. Claims 1, 10, and 26 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "wherein placing the first and second outgoing communications includes placing the first outgoing communication a predetermined

time period before placing the second outgoing communication wherein the predetermined time period is configured to cause the wired terminal and the wireless terminal to begin ringing within 3 seconds of each other." Amended Claims 10 and 26 each includes a similar recitation.

In contrast, *O'Neil* at least does not disclose the aforementioned recitation. For example, consistent with an embodiment of the invention, a simultaneous ring service for a service subscriber is provided. (See specification, page 7, lines 11-12.) According to the service, when a calling party places an incoming call to, for example, a residential telephone or some other landline telecommunications unit associated with the subscriber, not only does the subscriber's landline unit ring, but also a wireless telecommunications unit associated with the subscriber rings. (See specification, page 7, lines 12-16.) Accordingly, if the subscriber is away from their landline unit, the subscriber does not have to miss the call. (See specification, page 7, lines 16-17.) Furthermore, according to embodiments of the invention, the subscriber's landline and wireless units may not ring precisely the same time. (See specification, page 7, lines 17-18.) Consistent with an embodiment of the invention, the units may not ring exactly simultaneously, but rather within a relatively brief time period. (See specification, page 7, lines 18-20.) However, because this time period may be relatively brief, such as on the order 0-3 seconds, the service may be referred to as a "simultaneous ring" service. (See specification, page 7, lines 20-21.)

Instead, *O'Neil* discloses that a services node 30 preferably places a call to a subscriber's wireline number. (See col. 20, line 66 through col. 21, line 2.) The call to the subscriber's wireline number is referred to as a "second leg" in the conference call

that is in the process of being set up by the services node 30. (See col. 21, lines 2-4.) Calls to the wireline number and the wireless number may be accomplished in any order, and that the designation of one of the calls as "first leg" and the other call as "second leg" is irrelevant. (See col. 21, lines 5-8.) Nonetheless, in *O'Neil* the call to the wireless unit may be placed first because it typically takes longer to set up a wireless call than a wireline call. (See col. 21, lines 8-11.) By setting up the wireless call first, the goal of ringing both the wireless unit and the wireline unit at the same time is more likely to be accomplished. (See col. 21, lines 11-13.) In *O'Neil*, however, a predetermined time period configured to cause the wired terminal and the wireless terminal to begin ringing within 3 seconds of each other is not disclosed. Rather *O'Neil* discloses that the goal of ringing both the wireless unit and the wireline unit at the same time is more likely to be accomplished because the call to the wireless unit may be placed first because it typically takes longer to set up a wireless call than a wireline call. In *O'Neil*, a predetermined time period for causing near simultaneous ringing is not disclosed. While *O'Neil* discloses that the call to the wireless unit may be placed first, it is silent as to a predetermined time period for causing near simultaneous ringing.

*O'Neil* does not anticipate the claimed invention because *O'Neil* at least does not disclose "wherein placing the first and second outgoing communications includes placing the first outgoing communication a predetermined time period before placing the second outgoing communication wherein the predetermined time period is configured to cause the wired terminal and the wireless terminal to begin ringing within 3 seconds of each other", as recited by amended Claim 1. Amended Claims 10 and 26 each includes a similar recitation. Accordingly, independent Claims 1, 10, and 26 each patentably

distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 10, and 26.

Dependent Claims 2-4, 6-9, 11-12, 14-17, 27-28, and 30-32 are also allowable at least for the reasons described above regarding independent Claims 1, 10, and 26, and by virtue of their respective dependencies upon independent Claims 1, 10, and 26. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-4, 6-9, 11-12, 14-17, 27-28, and 30-32.

### III. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected Claims 18-25 and 33 under 35 U.S.C. § 103(a) as being unpatentable over *O'Neil* in view of *Becker*. Claim 18 has been amended, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter.

Amended Claim 18 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "the wireless terminal being associated with the wired terminal configured to receive the incoming communication from the calling party wherein the wireless terminal and the calling party terminal are the same terminal when the identifier associated with the calling party is identical to the identifier of the wireless terminal."

In contrast, and as stated by the Examiner, *O'Neil* at least does not disclose programmable determination means for determining, in response to detection of the incoming communication, whether an identifier associated with the calling party is identical to an identifier of the wireless terminal of the subscriber. (See Final Office

Action, page 15, lines 11-14.) Consequently, because *O'Neil*, does not disclose the aforementioned determination means, Applicants submit that *O'Neil*, does not disclose a determination means wherein a wireless terminal is associated with a wired terminal configured to receive an incoming communication from a calling party wherein the wireless terminal and a calling party terminal are the same terminal when an identifier associated with the calling party is identical to an identifier of the wireless terminal.

Furthermore, *Becker* does not overcome *O'Neil's* deficiencies. Consistent with an embodiment of the invention, if an SCP determines that a service is activated, the SCP determines whether a calling party number matches a subscriber wireless number (i.e., a directory number for a wireless unit), which is stored in an SCP database. (See specification, page 15, lines 10-13.) If the numbers match, then SCP may send an authorize\_termination message to a CO switch to route the call to the landline telephone, without additionally forwarding the call to the subscriber's wireless telephone unit. (See specification, page 15, lines 13-15.) Because this contingency typically corresponds to the subscriber calling home from the subscriber's wireless telephone, the need to additionally ring the subscriber's wireless telephone may be obviated. (See specification, page 15, lines 15-19.)

*Becker* merely discloses placing different numbers in different groups and then associated different ring tones with the different groups. (See FIG. 1 and FIG. 2.) This is directed to solving the problem of there being no distinction between numbers as regards to call reception. (See col. 1, lines 15-17.) Consequently, there is no teaching in *Becker* to include, for example, your own cell number in any of the groups at least because there is no reason to have a distinctive ring tone when you're calling yourself.

You know you're calling yourself so no distinction is needed. In other words, there is no problem to solve it you're calling yourself. Consequently, *Becker* does not disclose the wireless terminal and the calling party terminal are the same terminal when the identifier associated with the calling party is identical to the identifier of the wireless terminal. Consequently, like *O'Neil*, *Becker* at least does disclose a determination means wherein a wireless terminal is associated with a wired terminal configured to receive an incoming communication from a calling party wherein the wireless terminal and a calling party terminal are the same terminal when an identifier associated with the calling party is identical to an identifier of the wireless terminal.

Combining *O'Neil* with *Becker* would not have led to the claimed invention because *O'Neil* and *Becker*, either individually or in combination, at least do not disclose "the wireless terminal being associated with the wired terminal configured to receive the incoming communication from the calling party wherein the wireless terminal and the calling party terminal are the same terminal when the identifier associated with the calling party is identical to the identifier of the wireless terminal", as recited by amended Claim 18. Accordingly, independent Claim 18 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 18.

Dependent Claims 19-25 and 33 are also allowable at least for the reasons described above regarding independent Claim 18, and by virtue of their dependency upon independent Claim 18. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 19-25 and 33.

IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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